IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

WP(C).No. 22773 of 2007()

PETITIONER:

KKURIYAN PAUL, AGED 80,
KUTTIYARA HOUSE, KADAVOOR P.O., MOOVATTUPUZHA.

BY ADV. SRI.N.ANILKUMAR

RESPONDENTS:

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1. THE MEMBER SECRETARY,
KERALA STATE POLLUTION CONTROL BOARD,TRIVANDUM.

2. THE CHIEF ENVIRONMENT ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD,
REGIONAL OFFICE, GANDHI NAGAR, KOCHI-20.

*** 3. T.K. REJI, S/O. KURIAKKO,**
THENNUMKUTTIYIL HOUSE, VAVKOLI (P.O),
THIRUVANANTHAPURAM.
IS CORRECTED AS

T.K.REJI, S/o.KURIAKKO, THENNUMKUTTIYIL HOUSE,
VARIKOLI P.O. THIRUVANIYOOR.

*** 4. WILSON CHACKO, S/O. CHACKO,**
KUZHIVALI HOUSE, VARIKOOLI P.O.,THIRUVANANTHAPURAM
IS CORRECTED AS

WILSON CHACKO, S/o.CHACKO, KUZHIVALI HOUSE,
VARIKOLI P.O., THIRUVANIYOOR.
AS PER ORDER DATED 20.8.2007 IN I.A.11172/07

BY ADV. SMT.K.K.THULASY BHAI,SC,POLLUTION C.BOA
SRI.G.SANTHOSH KUMAR (P).
SMT.K.K.SHEEBA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: COPY OF THE LICENCE, DATED 4.2.2006.

EXT.P2: COPY OF THE SALE DEED NO.377/06 DATED 17.2.2006.

EXT.P3: COPY OF THE PETITION DATED 28.1.07.

EXT.P4: COPY OF THE COMPLAINT DATED 28.2.07.

EXT.P5: COPY OF THE NOTICE DATED 2.5.07.

EXT.P6: COPY OF THE REPRESENTATION DATED 8.6.07.

RESPONDENTS EXHIBITS:

EXT.R2(a): COPY OF THE SHOW CAUSE NOTICE TO THE OCCUPIER DTD.17.4.2007.

EXT.R2(b): PRODUCED BY THE ORDER DTD.28.6.2007 ISSUED BY THE POLLUTION CONTROL BOARD.

TRUE COPY

P.A.TO JUDGE

ANTONY DOMINIC,J

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W.P.(C).Nos.22773 of 2007

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Dated this the 7th day of September, 2007

JUDGMENT

The prayer in this writ petition is for a direction to the respondents 1 and 2 to take action against respondents 3 and 4, as they had violated the conditions of Ext.P1 licence. The respondents 1 and 2 filed a statement producing communication dated 28.6.2007 as Ext.R2(b) in which they have directed compliance with the conditions of the licence. In view of this, it is unnecessary to deal with the merits of the contentions of the parties.

It is the obligation of the licensee to comply with the conditions of the Ext.P1 licence and if there is violation of any of those conditions, respondents 1 and 2 are bound and entitled to take such as is permissible under law. Therefore, the writ petition is disposed of directing the respondents to take action against the licensee if they still do not comply with the licence conditions.

ANTONY DOMINIC,JUDGE

dvs